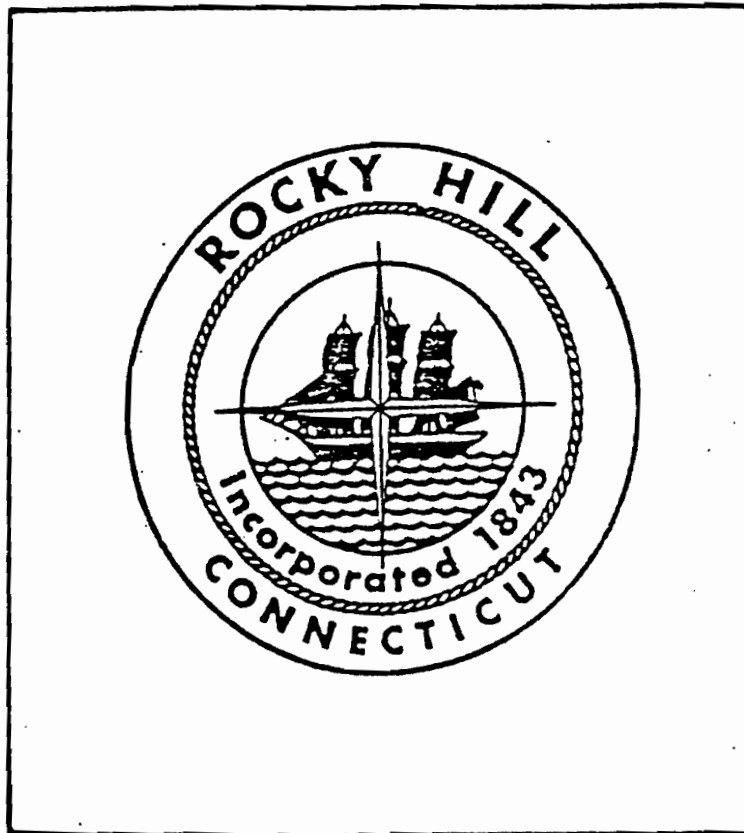


ROCKY HILL, CONNECTICUT TOWN CHARTER



EFFECTIVE

December 7, 1989

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CHAPTER I. INCORPORATION AND GENERAL POWERS

SECTION 101. Incorporation

All the inhabitants dwelling within the territorial limits of the town of Rocky Hill, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Rocky Hill", hereinafter called "the Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges herein conferred and all powers and privileges conferred upon towns under the general law of the State of Connecticut.

SECTION 102. Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said town as of the effective date of this Charter are continued in said town and said town shall continue to be liable for all debts and obligations of every kind for which said town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said town to collect any assessment, charge, debt, or lien. If any contract has been entered into by said town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Town Council of said town.

SECTION 103. General Grant of Powers

In addition to all powers granted to towns under the constitution and general law, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

CHAPTER II. ELECTION

SECTION 201. Regular Town Election

The first regular town election after the adoption of this Charter shall be on the first Tuesday after the first Monday in November 1991. Thereafter, the regular town election shall be held biennially. All officials duly elected at such regular town elections, upon qualification, shall take office on the Monday, or Tuesday in the event of a holiday, following their election and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this Charter, all elective town officers, boards and commissions shall have the powers and duties prescribed by law.

SECTION 202. Elective Officers

At each such town election there shall be elected in accordance with the provisions of the Connecticut General Statutes the following: a mayor, eight council members, three selectmen, a board of tax review, a zoning board of appeals, nine members of the board of education as hereinafter provided. Two registrars of voters shall be elected biennially for two (2) year terms and sixteen justices of the peace shall be elected by town caucus as provided by the Connecticut General Statutes. Nothing contained herein shall affect the power of the council to prescribe the number of justices of the peace by ordinance, adding to or decreasing as shall be deemed expedient.

SECTION 203. Terms of Elective Office

The terms of all officers elected by the town election shall be two (2) years from the first Monday, or Tuesday in the event of a holiday, following their election and in no case shall the term of any elective officer expire until the election and qualification of his successor.

A. Board of Education

The board of education shall consist of nine (9) members. At the biennial election in November 1991, and each biennial election thereafter, a nine member board of education shall be elected for terms of two (2) years. No elector shall vote for more than a bare majority.

B. Board of Tax Review

The present board of tax review shall continue. It shall consist of three (3) members. At the biennial election in November 1991, and at each biennial election thereafter, three members of the board of tax review shall be elected for terms of two (2) years.

C. Zoning Board of Appeals

At the biennial election in November 1991, and at each biennial election thereafter, five (5) regular and three (3) alternate members shall be elected for two (2) year terms to the Zoning Board of Appeals.

SECTION 204. Nomination of Candidates

The name of any elector of the Town shall be placed on the voting machines at the municipal election as a candidate for any office to be filled, if he has been nominated by a political party in accordance with the provisions of the Connecticut General Statutes.

SECTION 205. Determination of Sufficiency

The Town Clerk shall determine the sufficiency of any such petitions pursuant to the Connecticut General Statutes.

SECTION 206. Breaking a Tie

When, as the result of any municipal, primary, or special election held under the provisions of this Charter, it is necessary to break a tie, a ruling by the general election laws of the State of Connecticut shall prevail. The names of candidates shall be arranged in alphabetical order as provided in this Charter. The term of any official elected by breaking a tie shall commence on the first Wednesday following his election.

SECTION 207. Minority Representation

At each regular election no political party shall nominate and no elector shall vote for more than the Mayor, five (5) members of the Council, two (2) Selectmen, five (5) members of the Board of Education, two (2) members of the Board of Tax Review, three (3) members of the Zoning Board of Appeals, and two (2) alternative members of the Zoning Board of Appeals, as shall be determined by the provisions of this Charter and the Connecticut General Statutes. Each political party shall elect by caucus one-half of the total number of Justices of the Peace. Election of all officers mentioned in this section, except the office of Mayor, shall be determined in accordance with the minority representation provisions of the Connecticut General Statutes.

SECTION 208. Vacancies in Elective Offices

Vacancies in elective offices, except in the Board of Education, from whatever cause arising, shall be filled by the Council for the period until the next regular town election. Vacancies in the

Board of Education shall be filled by the Board of Education for the period until the next regular town election. In filling any vacancy, the Council and the Board of Education shall request recommendations from the respective political party and shall select a person of the same political party as that of the former incumbent pursuant to Section 209 of this Charter. If said former incumbent was elected as an independent candidate, his successor shall be a member of the political party in which said former incumbent was enrolled or in case the former incumbent was not enrolled in any political party, the vacancy shall be filled by an elector not enrolled in a political party. Any person appointed to fill a vacancy shall serve for the remaining term of the former incumbent and until his successor has been elected.

SECTION 209. Qualifications

Each nominee for elective office shall be a resident and an elector of the Town, and if any elected officer at any time shall cease to be a resident of the Town, he shall at that time and because of that act be deemed to have vacated his office.

SECTION 210. Voting Districts

There shall be four voting districts, but the number of such voting districts may be increased or decreased and the geographical boundaries of said districts may be changed by Town ordinance.

CHAPTER III. THE MAYOR

SECTION 301. Election and Qualification

At each regular biennial town election, a Mayor shall be separately elected by the electors and shall serve until his successor shall be elected and qualified. He shall take office on the Monday, or Tuesday in the event of a holiday, following the biennial town election. The candidate receiving a plurality of the votes cast for this office shall be the Mayor. However, the candidate next in the order of votes received for Mayor shall have the votes he received for Mayor included in the compilation and the determination of the Council membership.

SECTION 302. Duties

The Mayor shall be a member and the presiding officer of the Council, and he shall call it to order and shall have one vote, but only one vote, on each matter voted upon by the Council. The Mayor shall be recognized as the Official Head of the Town for ceremonial purposes and for military purposes. He shall keep himself informed on Town matters and may make reports and recommendations to the Council and electors of the Town on matters of legislative concern and general town policy. The Mayor may attend any meeting of any board, commission or other governmental body of the Town and shall receive such advance notification of any such meeting as is given to the members of said bodies. He shall have the full right of participation in discussions but shall not have the right to vote.

SECTION 303. Appointments

A. Subcommittees of the Council

The Mayor, as directed by the Council, shall appoint such special subcommittees of the Council as are required but shall in no way have the power to make appointments which are the responsibility of the Council or the Town Manager.

B. Other Appointed Officers

The Mayor shall request recommendations, from the respective political parties, which shall be submitted to the Council for all appointed offices for which the Council has the power of appointment, but this shall not preclude any other member of the Council from making nominations for the same positions.

CHAPTER IV. COUNCIL

SECTION 401. Composition

The Council shall consist of the Mayor and eight members who shall be elected from the Town at large at each regular Town election for terms of two (2) years as provided herein.

SECTION 402. Powers

The Council shall be the governing and legislative body of the Town and shall have, exercise, and perform all the rights, powers, duties and obligations which, on the effective date of this Charter, were conferred by law or may hereafter be conferred by the General Statutes upon the town meeting and upon town commissions, boards, departments, and offices existing immediately prior to such date, except as the same may be assigned by this Charter, and except as may be inconsistent with the laws of the State. The Council shall choose a clerk. The Council shall have the final authority concerning the budget and the tax rate except as otherwise provided in this Charter. It shall further have power to make, alter and repeal ordinances or resolutions not inconsistent with this Charter and the general laws of the State for the execution of the powers vested in the Town, for the government of the Town and the management of its business, and for the preservation of the good order, peace, health and safety of the Town and its inhabitants.

SECTION 403. Organization

Each newly elected Council shall meet for organization in the Town Hall at 8:00 P.M. on the Monday, or Tuesday in the event of a holiday, following its election. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all members. In the absence of the Town Clerk, the meeting may be called to order and the oath administered by any citizen of Rocky Hill authorized by law to administer oaths. The newly elected Mayor shall then assume the chair as permanent presiding officer of the Council and shall designate a chairman pro tem from among the members of the Council to preside in his absence. In the event that both the Mayor and the chairman pro tem are absent or unable to perform their duties, such duties shall be performed during the period of their absence or disability by a member chosen by the Council. The presiding officer, whether the Mayor or any chairman pro tem, shall have one vote, but only one vote, on each matter voted by the Council.

SECTION 404. Procedure

The Council shall fix the time and place of its regular meetings and provide a method for calling special meetings. Only

business, notice of which has been included in the call for such special meeting, shall be acted upon at any special meeting. The Council shall determine its own rules of procedure except as specifically provided in this Charter. The presence of six (6) members shall constitute a quorum, and no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes. The Council shall keep for public inspection a journal, which shall be the official record of its meetings, a copy of which shall be filed in the office of the Town Clerk within two (2) weeks from the date of such meetings. The journal shall also contain the rules of procedure of the Council. No ordinances or resolutions shall be adopted except at a meeting of the Council open to the public.

SECTION 405. Introduction of Ordinances

All ordinances shall be introduced in written form by a member of the Council. It shall be the duty of the Council Clerk immediately upon introduction to file a copy of such proposed ordinance with the Town Clerk. It shall be the duty of the Town Clerk immediately upon receipt of such proposed ordinance to prepare sufficient copies of such ordinance, one copy of which shall be retained in his office for public inspection, one copy posted on the Town bulletin board, and one copy distributed to each member of the Council and to the Town Manager.

SECTION 406. Public Hearings and Passage of Ordinances

Before an ordinance, except an emergency ordinance, shall be passed, the Council shall hold at least one public hearing, five (5) days notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in a newspaper having a circulation in the Town and by posting the notice and the proposed ordinance on the Town bulletin board. After such public hearing, the Council may make such changes as it considers advisable before passing said ordinance. Notice of the passage of any ordinance, described by title or subject matter, together with such changes in the proposed ordinance, shall be published at least once in a newspaper having a circulation in the Town, and an ordinance, except an emergency ordinance, shall become effective thirty (30) days after such notice is published, provided that if a petition for a referendum is filed with the Town Clerk within the time specified in Section 410, the ordinance shall not become effective except in accordance with the provisions of Section 410. All adopted ordinances shall be filed with the Town Clerk and kept by him as a public record in the form of a suitably indexed volume or volumes of ordinances.

SECTION 407. Borrowing

The Town shall have the power to incur indebtedness by issuing its bonds and notes as provided by General Statutes subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes shall be authorized by resolution of the Council, adopted in the same manner as provided in Section 406 of this Charter insofar as Section 406 relates to public hearings.

SECTION 408. Obligatory Referendum

No resolution or ordinance authorizing the issuance of bonds or notes, other than notes in anticipation of taxes and other than notes in the amount of one hundred fifty thousand dollars (\$150,000) or less, and no resolution or ordinance authorizing a lease purchase agreement for personal property with total deferred consideration or payments, including principal and interest, which becomes due after the current fiscal year in the amount of one hundred fifty thousand dollars (\$150,000) or more, and no resolution or ordinance making an appropriation which, in addition to those contained in the annual budget, exceeds one hundred fifty thousand dollars (\$150,000) or more, shall become effective until the same has been approved by a majority of the qualified electors or voters voting thereon at a regular election or special election called by the Council for the purpose. However, a referendum shall not be mandatory when such bond or note authorization, lease purchase agreement or such additional appropriation, shall be for an emergency purpose to protect the public peace, health and safety, or shall be to finance a street, sewer or other improvement to be paid for by a special assessment and not by general taxation.

SECTION 409. Emergency Ordinance

An emergency ordinance, including an emergency appropriation, shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency; shall be adopted by not less than six (6) affirmative votes in the Council; and shall take effect immediately. Every such emergency ordinance, including any amendment thereto, shall automatically stand repealed at the termination of the sixty-first (61st) day following the passage of said ordinance unless sooner repealed. In no event shall the annual budget constitute an emergency appropriation.

SECTION 410. Right of Referendum on Ordinances and Certain Resolutions

Electors or voters shall have the right to petition for a referendum in accordance with the provisions of Section 7-9 of the Connecticut General Statutes on any ordinance or additional appropriation passed by the Council, except an emergency ordinance. A referendum must be held when there shall be filed with the Town Clerk, within thirty (30) days of the published notice of the passage of the ordinance or additional appropriation, a petition signed by qualified electors or voters in number equal to five per cent (5%) or more of the total number of electors or voters of the Town, which petition shall be filed with the Town Clerk, who shall, within ten (10) days, determine whether or not the petition contains sufficient number of valid signatures, and if it does, so shall certify to the Council. The ordinance or additional appropriation shall not then take effect until the Council has submitted it to a referendum, which shall be held not less than thirty (30) days nor more than sixty (60) days after the filing of the petition. The ordinance or additional appropriation shall be null and void in the event that a majority of the electors or voters voting thereon, such majority consisting of at least ten percent (10%) of the qualified electors or voters of the Town, shall vote in the negative. Otherwise, it shall take effect immediately following the referendum.

SECTION 411. Initiative

The electors or voters shall have the power to propose to the Council any ordinance, except an ordinance appointing or removing officials specifying the compensation or hours of work of officials and employees, adopting the annual budget, authorizing the levy of taxes, or fixing the tax rate. The Ordinance shall be proposed by a petition to the Council, in accordance with and subject to the provisions of Section 7-9 of the Connecticut General Statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by qualified electors or voters of the Town, in number equal to five percent (5%) or more of the total number of qualified electors or voters of the Town. The petition shall be filed with the Town Clerk who shall, within ten (10) days, determine whether or not the petition contains the required number of valid signatures and if it does, he shall so certify to the Council at its next regular meeting. The Council shall, within sixty (60) days after certification, either adopt the proposed ordinance after a public hearing or submit the same to the electors or voters at the special election to be held within ninety (90) days from the date of the Town Clerk's certification, provided that if a general election or a Town election is to occur within four (4) months of such certification, the ordinance may be submitted at such election. The ordinance shall be adopted if a majority of those voting vote in the affirmative and such majority consists of ten percent (10%) or more of the total number of qualified electors

or voters of the Town. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the Council except by vote of the electors or voters.

SECTION 412. Removals and Suspensions

- A. The Council shall have the power by six (6) affirmative votes of its membership, by resolution, in its sole discretion, with or without cause, to remove or suspend the Town Manager or Town Clerk, and shall have the power by majority of the full membership in its sole discretion and for whatever cause it shall deem sufficient to remove or suspend by resolution any person appointed by the Council to any other office or position.
- B. The Council shall act first by suspending such person and shall promptly serve him with a copy of the resolution of suspension together with the reasons therefor, if any. If within ten (10) days after the service of said resolution such person shall file a request in writing with the Town Clerk for a public hearing before the Council, the hearing requested shall be held, at a time and place set by the Council, not less than five (5) days nor more than fifteen (15) days after the filing of the request. At such hearing the person may be represented by counsel. If no hearing is requested, or at the conclusion of the hearing, the Council shall promptly, by resolution, terminate the suspension and either restore the person to, or remove him from his office or employment. Compensation, if any, shall be continued during the period of the suspension or for thirty (30) days from the date of suspension, whichever is longer. There shall be no appeal from the decision of the Council.
- C. The Council may adopt rules of procedure which may provide that hearings can be held by one or more hearing officers to be selected from the membership of the Council or, in the alternative, the Council may appoint a special hearing officer. The hearing officer(s) shall then report a recommended finding of facts to the Council and the Council then shall approve or disapprove of the report or any portion thereof and, on the basis of the facts so determined, render its decision on the issues presented.

SECTION 413. Investigation

The Council shall have the power to investigate any and all town commissions, boards, departments and offices. The mayor, the chairman pro tem, the chairman of any committee of the Council, upon authorization by the Council, shall have the power, for the purpose of such investigation, to issue subpoenas, and at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production of books and papers.

SECTION 414. Compensation

The members of the Council shall serve without compensation, but shall be entitled to reimbursement for their actual expenses incurred in the performance of their official duties.

SECTION 415. Concurrent Offices

During the term for which he is elected no member of the Council shall hold any employment or elective or appointive office in or under the Town government except the office of justice of the peace.

SECTION 416. Sale, Lease or Purchase of Real Property

The Council may take, purchase, hold, lease, sell or convey by resolution any real property owned by the Town, or in which the Town has an interest or desires to purchase when the consideration received or paid is less than fifty thousand dollars (\$50,000). The Council shall take, purchase, hold, lease, sell or convey by ordinance any real property owned by the Town or in which the Town has an interest or desires to purchase when the consideration received or paid is fifty thousand dollars (\$50,000) or more. If the Council is planning to sell, lease or convey real property, where the consideration is over four thousand dollars (\$4,000), the Council shall invite sealed bids or proposals, giving ten (10) days public notice thereof by at least one publication in a newspaper having a circulation in the Town and shall let the contract to the best qualified bidder thereon in the opinion of the Council and which is in the best interests of the Town of Rocky Hill or shall reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly. Records of all such sealed bids or proposals and of the successful bidder shall be kept in the office of the purchasing agent, where they shall be open to public inspection.

CHAPTER V. THE TOWN MANAGER

SECTION 501. Appointment, Qualification and Tenure

The Town Manager shall be appointed and may be removed or suspended by the Council by at least six (6) affirmative votes of the membership of the Council. The Town Manager shall be the chief executive officer of the Town to serve at the pleasure of the Council for an indefinite term and who shall be chosen exclusively on the basis of his executive and administrative qualifications, character, education, professional training and experience. At the time of his appointment, he need not be a resident of the Town or State, but during his tenure of office, he shall reside within the Town. The Council shall set a time limit wherein the Town Manager will become a resident of the Town. He shall devote his full time to the duties of his office.

SECTION 502. Powers and Duties

The Town Manager shall have the power and duties conferred upon the chief executive officers of Town by the Connecticut General Statutes and which are not otherwise expressly provided for in this Charter. He shall be directly responsible to the Council for the supervision and administration of all commissions, boards, departments, offices and agencies of the Town except those elected by the people, appointed by the Council or appointed by a regional, State or Federal authority. He shall see that all laws and ordinances governing the Town are faithfully executed, shall make periodic reports to the Council and shall attend its meetings with full right of participation in its discussions but without the right to vote; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual report; shall recommend to the Council such measures as he may deem necessary or expedient; shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget; and shall exercise such other powers and duties of the Town Manager, except those powers and duties imposed on him by the Council under the provisions of this section, provided that the powers and duties conferred upon the chief executive officers of towns by the Connecticut General Statutes shall not be diminished.

SECTION 503. Appointments

The Town Manager, except as otherwise specifically provided in this Charter, shall appoint all department heads and other officers and employees of the Town and may remove all those over whom he has the power of appointment. The Town Manager shall not appoint a member of his family or any relative to a position wherein he has the power of appointment. All appointments and removals shall be in accordance with the provisions of Chapter IX of this Charter. In lieu of any appointment by the Town Manager to any office under his jurisdiction, the Town Manager may perform the duties of any office under his jurisdiction except those of the Town Treasurer.

SECTION 504. ACTING TOWN MANAGER

During the period of a vacancy or suspension in the office of Town Manager, the Assistant Town Manager, shall have all the powers and duties of the Town Manager provided for herein. In the event of the Assistant Manager's absence or disability, the Council shall appoint by resolution a person, other than a Council member, as Acting Town Manager.

During the period of the Town Manager's temporary absence or disability, the Assistant Town Manager shall serve as Temporary Acting Town Manager except in matters of appointment and removals. In the event of the Assistant Town Manager's absence or disability, the Town Manager may designate, with the approval of the Council, a Town employee to serve as Temporary Acting Town Manager. In the event the Town Manager fails to make such designation, or the Council fails to approve such designation, the Council may, by resolution, appoint a Town employee to perform the duties of the Temporary Acting Town Manager. A permanent Town Manager shall be appointed within 180 days.

SECTION 505. Compensation

The Council shall fix the compensation of the Town Manager and of any Acting Manager. The compensation of the Town Manager shall not be decreased except at the beginning of a fiscal year of the Town by vote of the Council taken at least thirty (30) days prior to that date.

CHAPTER VI. OFFICERS AND BOARDS RESPONSIBLE TO COUNCIL

SECTION 601. Town Clerk

The Town Clerk shall be appointed by the Town Council for an indefinite term and may be removed only by six (6) affirmative votes of the membership of the Council. In addition to the powers and duties prescribed for Town Clerks by the Connecticut General Statutes, he may act as the clerk of the council, keep a journal of its proceedings, which shall be a public record, and perform such other duties as may be assigned him by this Charter or by action of the Council. He shall have such deputies, clerks and other assistants as the Council may determine by ordinance. He shall have such other powers and duties as are prescribed in this Charter or by the Council. He shall receive such compensation as the Council may determine. All fees collected by the Town Clerk, except those collected on behalf of the State, shall be paid into the Town Treasury.

SECTION 602. Town Attorney

There shall be a Town Attorney who shall be an attorney-at-law admitted to practice in this State, who shall be appointed by the Council for a term of two (2) years beginning with the first Council meeting of January, following each biennial election, and may be removed by the Council by at least six (6) affirmative votes. In the event of a vacancy for whatever cause arising in the office of Town Attorney, the Council shall fill said vacancy for any remaining unexpired portion of the term. It shall be the duty of the Town Attorney to be the legal advisor of the Council, Town Manager, and all departments, officers, boards, commissions, and agencies of the Town; to represent the Town in all litigation in which the Town or any department, officer, board, commission or agency thereof is a party, except as otherwise provided by the Council; and to prepare on request of the Town Manager, the Council, or any member thereof ordinances and resolutions for consideration by that body. He shall have such clerical and other assistants as the Council may determine by ordinance. He shall receive such compensation as the Council may determine.

SECTION 603. Director of Health

The Town Manager shall appoint a Director of Health with Council approval. The Director of Health shall perform such functions and have such powers and duties as are prescribed by the Council and imposed by the Connecticut General Statutes on Directors of Public Health. He shall have the duty of enforcing the laws, ordinances, and regulations concerning public health. He shall receive such compensation as the Council may determine and shall have such assistants and employees appointed by the Town Manager in accordance with and subject to the provisions of Chapter IX of this Charter, as the Council may determine by ordinance.

SECTION 604. Director of Public Welfare

The Town Manager shall appoint, with Council approval, a Director of Public Welfare who may also be the Human Services Director. He shall have all of the powers and duties relating to poor, infirm and dependent persons vested by law or as otherwise provided in the Connecticut General Statutes and shall have such other powers and duties as the Council may prescribe. He shall receive such compensation as the Council may determine.

SECTION 605. Constables

The Town Council shall appoint four (4) Constables for two (2) year terms, beginning on the first Council meeting of January, following each biennial election, no more than two (2) members from each political party. The bond of the Constables is to be paid by the Town.

SECTION 606. Open Space and Conservation Commission

There shall be an Open Space and Conservation Commission of seven (7) members appointed in accordance with the Connecticut General Statutes. They shall be appointed by the Town Council to two (2) year terms beginning on the first Council meeting of January following the biennial election. The Commission shall advise and make recommendations to the Town Manager, the Council, and other boards and commissions of the Town regarding the development and conservation of natural resources, including water resources within the territorial limits of the Town, and shall have such powers and perform such other duties as are conferred upon it by the Connecticut General Statutes, the Council and the Town Manager. Members shall serve without compensation. The Open Space and Conservation Commission shall have such professional, technical and clerical assistants as the Council may determine by ordinance, to be appointed by the Town Manager in accordance with Chapter IX of this Charter.

SECTION 607. Economic Development Commission

There shall be an Economic Development Commission of six (6) members appointed by the Council, which shall have all the powers and duties vested in it by the Connecticut General Statutes or as may be conferred on it by ordinance. They shall serve for a term of two (2) years, beginning on the first Council meeting of January following the biennial election. Vacancies shall be filled by the Council in accordance with the provisions of this Charter and the Connecticut General Statutes. All members shall serve without compensation. The Town Manager shall appoint in accordance with and subject to the provisions of Chapter IX of this Charter such employees of the Economic Development Commission as the Council may determine by ordinance.

SECTION 608. Planning and Zoning Commission

There shall be a Planning and Zoning Commission appointed by the Town Council consisting of five (5) members and three (3) alternate members to be appointed on the first Council meeting of January following the biennial election for two (2) year terms. No more than three (3) members and two (2) alternate members of said commission shall be members of the same political party. All members shall serve without compensation. The Commission shall have all the powers and duties conferred or imposed upon Planning and Zoning Commissions in towns by the Connecticut General Statutes or may be conferred on it by ordinance.

SECTION 609. Public Buildings Commission

A seven (7) member Public Buildings Commission shall be appointed by the Town Council for two (2) year terms beginning on the first Council meeting in January following the biennial election. All members shall be electors of the Town and shall not be members of any other board, commission or committee, either appointed or elected under the government of the Town. Four (4) members shall be knowledgeable in the building trades, with no more than four (4) members being of the same political party. The members shall serve without compensation.

In the case of any construction or remodeling of a Town Building where the cost will exceed two hundred fifty thousand dollars (\$250,000), the Council shall grant to the commission by resolution, those duties and powers as it deems appropriate, including but not limited to review of preliminary and final plans in consultation with staff. In all other cases, the Council may in its discretion, grant to the commission by resolution, those duties and powers as it deems appropriate under the circumstances.

SECTION 610. Personnel Review Board

There shall be a Personnel Review Board consisting of three (3) members appointed by the Council for two (2) year terms, who shall be electors of the Town, not more than two (2) of whom shall be members of the same political party. Of those at least one member shall be knowledgeable in Personnel Administration. Vacancies shall be filled by the appointment of a person of the same political affiliation as the member whose place he takes, for the unexpired portion of the term, each term to begin on the first Council meeting of January following the biennial election. The members of the Personnel Review Board shall serve without compensation.

- A. The Personnel Review Board shall hear appeals from any action pertaining to any disciplinary action suspending, demoting or removing any full time employee or regular part time employee

(working 20 hours or more weekly on an annualized basis) and not represented by a bargaining unit and report in writing to the person taking the action appealed from its findings and decisions therein;

- B. The Board shall adopt rules for the conduct of hearings;
- C. The Board shall report in writing the recommended decision on disciplinary actions to the appointing authority.

SECTION 611. Auditor

The Council shall appoint for a two (2) year term an Auditor in accordance with the provisions of the Connecticut General Statutes to annually examine and to certify to the financial records of the Town. He shall receive such compensation as the Council may determine.

SECTION 612. Vacancies in Appointive Offices

Vacancies in appointive offices and boards responsible to the Council from whatever cause arising shall be filled by the Council for the unexpired term of office. All full terms of office shall begin on the first Council meeting of January in the year of appointment and shall be deemed to end on the day before the first Council meeting in January or when his successor is appointed.

CHAPTER VII.
ADMINISTRATIVE OFFICERS AND DEPARTMENTS RESPONSIBLE TO THE TOWN MANAGER
SECTION 701. Department of Finance

There shall be a Department of Finance headed by a Director of Finance. The department shall include a Tax Collector, an Assessor, and a Purchasing Agent and such other employees as the Council may, by ordinance, determine to be necessary, who shall be appointed and may be removed by the Town Manager, in accordance with and subject to the provisions of Chapter IX of this Charter. The Director of Finance may perform the duties of any employee under his supervision and may consolidate more than one office under one person. It shall be the duty of the Director of Finance to install, maintain and operate for the Town a modern municipal accounting system showing the current condition of all funds and appropriations; to file with the Town Manager and Council by the tenth (10th) day of each month a report of the financial transactions of the preceding month, showing the amount of each appropriation, the charges against and credits to the same to the beginning of the preceding month, the charges and credits of the preceding month, and the unencumbered balance therein at the end of such month; to prepare and file with the Town Manager and Council within sixty (60) days of the conclusion of each fiscal year a report covering all financial transactions of the Town for such fiscal year; to prescribe the form of accounts to be kept by each department, office, board, commission and agency of the Town except the Board of Education, and the times at which and manner in which monies collected on the Town's account by any such department, officer, board and commission or agency shall be paid into the Town treasury; and to perform such other duties as may be prescribed by the Council by ordinance or by the orders of the Town Manager consistent therewith. The Tax Collector shall at all times be an elector of the Town. Except as otherwise provided by this Charter, the Tax Collector and the Assessor shall respectively have all the powers and duties conferred upon Tax Collectors and Assessors by the Connecticut General Statutes and other duties as may be assigned to them by the Council or the Town Manager. The Purchasing Agent shall purchase all supplies, materials and equipment required by all commissions, boards, departments and offices of the Town, except the Board of Education, with respect to the purchase of supplies and materials that are clearly education oriented, and the Library Board, with respect to the purchase of books and other materials peculiar to libraries. The Board of Education and the Library Board may avail themselves of the Purchasing Agent's services in purchasing any commodity or service. The Purchasing Agent shall have such other duties as may be prescribed by the Council or the Town Manager.

SECTION 702. Town Treasurer

There shall be a Town Treasurer appointed by the Town Manager for an indefinite term. It shall be the duty of the Treasurer to receive and safely keep all monies belonging to the Town by

depositing the same in a bank or banks to be selected by him with the approval of the Council. He may invest from time to time in securities of the United States or time or demand deposits with the approval of the Council monies of the Town not needed for immediate expenditure. He shall likewise invest any trust funds of the Town for which other provision has not been made by the terms of the gift creating such fund in securities legal for the investment of trust funds in Connecticut. He shall keep such accounts as shall be prescribed by law or ordinance or by the orders of the Director of Finance, approved by the Town Manager. No money shall be drawn from any Town account except by check, countersigned by the Treasurer or his deputy, and neither of them shall affix his signature to any such check unless he is satisfied that the expenditure represented thereby has been legally incurred. The deputy of the Treasurer authorized to sign checks shall be appointed by the Town Manager. The Treasurer shall have such other assistants, to be appointed by him, as the Council may determine by ordinance.

SECTION 703. Department of Public Safety

There shall be a Department of Public Safety, which shall consist of the Divisions of Police, Fire, Building Inspection and Civil Preparedness. Upon the Council's direction the Town Manager shall appoint the Director of Public Safety, with the Council's approval. The Director of Public Safety shall be responsible to the Town Manager for all fiscal, administrative, personnel and operational matters, for all divisions within the Department of Public Safety. The division heads shall consult with the Director on all such matters. The Director may review and modify all policies and procedures of each division and shall review and approve or disapprove all policy changes, disciplinary actions, and all other substantive actions sought to be implemented by division heads. In the event that the Director of Public Safety has not been appointed or is temporarily absent or disabled, the Town Manager, shall serve as the Director of Public Safety.

A. Division of Police

There shall be a Division of Police consisting of the Chief of Police appointed by the Town Manager, and such other officers and employees of such ranks and grades as the Council may determine. Said officers and employees shall be appointed by the Town Manager. The Division of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property, and enforcement of the Connecticut General Statutes and the ordinances of the Town, and all rules and regulations made in accordance therewith. All members of the Division of Police shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in Police Officers by the Connecticut General Statutes. The powers and duties of the Animal Control Officer, as provided in the Connecticut

General Statutes, shall be vested in the Division of Police in accordance with a job description as determined by the Director of Public Safety. The Chief of Police shall be the chief administrative officer of the Division of Police. He shall assign all members of the division to their respective posts, shifts, details and duties. He shall be responsible for the care and custody of all property used by the division and disposal thereof, and for the efficiency, discipline and good conduct of its members and shall make rules for the operation of the division and the conduct of police work, subject to the approval of the Director of Public Safety. The violation of these rules by any member of the division shall be punishable by appropriate disciplinary action, which may include loss of pay, suspension from duty and removal, provided that no member of the division shall be removed or suspended by the Chief without receiving the approval of the Director of Public Safety within twenty-four (24) hours. Violation of any provisions of this section shall constitute cause for dismissal or suspension.

B. Division of Fire

It is the intent of this Charter that fire protection shall continue to be provided by the volunteer companies heretofore established in the organization and conduct of which no change is contemplated. The Town, however, by this Charter, preserves the right to establish or encourage the establishment of additional volunteer companies, until the Council shall by ordinance otherwise determine.

1. There shall be a Fire Chief, appointed by the Town Manager, who shall direct the operation of fire companies at fires, institute and conduct suitable training programs for fire fighters in cooperation with company officers, and perform such other duties as may be prescribed by ordinance or the orders of the Director of Public Safety. He shall make rules for the operation of the division subject to the approval of the Director of Public Safety. The violation of these rules by any member of the division shall be punishable by appropriate disciplinary action, provided that no member of the division shall be removed or suspended by the Chief without receiving the approval of the Director of Public Safety within twenty-four (24) hours.
2. There shall be a Fire Marshal appointed by the Town Manager from within the division of fire if qualified, who shall not serve in any other position that is appointed by the Director of Public Safety. He shall have all powers and duties as provided in the Connecticut General Statutes and such other duties as prescribed by ordinance and subject to operating rules of the Division of Fire.

C. Division of Civil Preparedness

There shall be a Division of Civil Preparedness consisting of the Mayor as the civil preparedness administrator. He shall appoint an assistant to function as the assistant civil preparedness administrator and such other officers and employees as the Council may determine.

D. Division of Building Inspection

There shall be a Division of Building Inspection consisting of the Building Inspector and such other employees appointed by the Town Manager, as the Council may determine by ordinance. It shall be the duty of the Building Inspector to enforce the provisions of any building code that may be adopted by the Council after the adoption of this Charter. The Building Inspector shall perform such other duties as may be assigned him by the Director of Public Safety.

SECTION 704. Department of Highways and Engineering

There shall be a Department of Highways and Engineering consisting of a Director of Highways and Engineering who, until the Council shall otherwise decree by ordinance, shall be the Town Manager, and shall have such other employees as the Council may determine. Within the department, there shall be a Division of Highways and a Division of Engineering. The Highway Division shall have the following duties:

to maintain, repair, clean all public streets and ways; to assign Highway and Parks Department personnel in the removal of ice, and snow, from all public streets, and ways; to maintain and operate storm sewers and other drains; to construct or reconstruct streets, sidewalks, curbs, gutters, storm sewers and drains and other structures; to care for grassed areas in streets; and to perform such other duties as may be prescribed by the Town Manager.

The Engineering Division shall have the following duties:

to prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains and other structures and to supervise the construction of the same, provided that nothing herein shall preclude the employment of Engineers and Architects on any such project; and to perform such other duties as may be prescribed by the Town Manager.

SECTION 705. Department of Parks and Recreation

There shall be a Department of Parks and Recreation consisting of a Director of Parks & Recreation and such other employees as the Council may determine, and an Advisory Parks and Recreation Board

consisting of six (6) members appointed by the Town Council, for terms of two (2) years beginning on the first Council meeting of January following the biennial election. Any vacancy shall be filled by appointment by the Town Council for the unexpired portion of the term. The Department of Parks and Recreation shall have charge of all parks, park and recreation properties, and of all recreational activities including aquatics and senior citizen programming. The department shall provide ordinary care and maintenance of park grounds and buildings and all public grounds including Board of Education grounds by agreement with said Board. The Parks Department personnel shall be assigned to the highway division during snow and ice removal. The Advisory Parks and Recreation Board shall study the parks and recreation facilities and programs of the Town and shall meet with the Director of Parks & Recreation on a regular basis to advise him with respect to the development and use of the Town's parks and recreation program. The Director of Parks & Recreation shall be appointed by the Town Manager and shall make rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the Town and the Connecticut General Statutes. He shall be the Tree Warden and, as such, shall have all powers and duties conferred on the Tree Wardens by the Connecticut General Statutes. He shall have such other duties as may be assigned by the Town Manager. Employees of the Department of Parks and Recreation may be appointed by the Director, with the approval of the Town Manager.

SECTION 706. Library Director

There shall be a Library Director appointed by the Town Manager who shall be responsible for the administration and operation of the Cora J. Belden Library, and who shall be responsible for the hiring of all library staff. The Director shall receive such compensation as the Council may determine. There shall be a Board of Trustees consisting of six (6) members who shall be appointed by the Council to two (2) year terms, with such terms beginning on the first Council meeting of January following the biennial election, and who shall act in an advisory capacity to the Library Director. Vacancies shall be filled by the Council for the unexpired term in accordance with Connecticut General Statutes. The trustees shall serve without compensation.

SECTION 707. Other Departments, Offices and Agencies

There shall be such other departments, offices and agencies, organized in such manner as the Council shall determine by ordinance, provided that the appointing authority for all such departments, offices and agencies shall be the Town Manager.

CHAPTER VIII. FINANCIAL PROVISIONS AND TAXATION

SECTION 801. Fiscal Year

The fiscal year of the Town shall begin on the first day of July and end on the thirtieth (30th) day of June.

SECTION 802. Scope of Annual Budget

The budget shall contain:

- A. An estimate of all revenue cash receipts anticipated from sources other than the tax levy of the ensuing fiscal year;
- B. An estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
- C. The estimated expenditures necessary for the operation of the several departments, offices and agencies of the Town;
- D. Debt service requirements for the ensuing fiscal year;
- E. An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, assuming a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years; and
- F. A balanced relation between the total estimated expenditures and total anticipated revenue cash receipts, taking into account the estimated general fund cash surplus or deficit at the end of the current fiscal year.

All estimates shall be in detail showing revenues by sources and expenditures by program. The expenditure program shall be presented in terms of organization units and activities. The budget shall be so arranged as to show comparative figures for receipts and expenditures for the prior year and for the current year, both adopted and revised, and the Town Manager's recommendations for the ensuing year. The Town Manager shall prepare and submit to the Council, as part of the annual budget, a five year capital improvement program, including a clear general summary of its contents, a list of all capital improvements which are proposed to be undertaken during the next five fiscal years with supporting information, costs, estimates, method of financing and recommended time schedule for each capital improvement.

SECTION 803. Departmental Estimates

The Town Manager shall compile preliminary estimates for the annual budget. The head of each department, office, or agency of the Town, including the Board of Education, shall, at least one hundred thirty-five (135) days before the end of the fiscal year, file with the Town Manager on forms prescribed and provided by him a detailed estimate of the expenditures to be made by his department, office, or agency and the revenue other than tax revenues to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Town Manager. Each commission, board, department and office shall be entitled to an opportunity to be heard by the Town Manager in respect to its estimates.

SECTION 804. Duties of the Town Manager on the Budget

Not later than ninety (90) days before the end of the fiscal year, the Town Manager shall present to the Council the proposed budget for the ensuing fiscal year for all commissions, boards, departments and offices, such budget hereinafter referred to as the Town Manager's budget. The proposed Town Manager's budget shall be in a form prescribed by the Council. At the time of its submission to the Council, the Town Manager shall file a copy in the office of the Town Clerk as a public record and within ten (10) days thereafter shall cause sufficient copies of his proposed budget to be prepared in order that they may be available to interested persons.

SECTION 805. Budget Hearing

The Council shall hold one or more public hearings not later than sixty (60) days before the end of the fiscal year, at which time any elector or taxpayer may have the opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the Town Manager, the Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the Town Clerk and, at least five (5) days prior to the aforementioned public hearing, the Council shall cause to be published in a newspaper having a circulation in the Town a notice of such public hearing and a summary of said proposed budget estimates showing anticipated revenues by major sources and proposed expenditures by functions or departments in the same form as prescribed for the budget estimates in Section 804, and shall also show the amount to be raised by taxation.

SECTION 806. Duties of the Council on the Budget

After the conclusion of such public hearing, the Council may insert new items of expenditure or may increase, decrease or

strike out items of expenditures, except that no item of appropriation for existing debt service shall be reduced. The Council shall not alter the Town Manager's estimates of receipts. It may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed by the Town Manager in proportion to such decrease in the total of expenditures proposed by the Town Manager as it may have determined. If it shall increase the total proposed expenditures, such increase shall be reflected in full in the tax rate. Upon completion of the public hearing, but not later than the third Monday in May, the Council shall adopt the budget and set the tax levy. If it fails to adopt the budget by that date, the budget as submitted by the Town Manager shall be deemed to be the budget for the Town for the fiscal year, and expenditures shall be made in accordance therewith. The Council shall thereupon adopt the budget and the tax levy as recommended by the Town Manager.

SECTION 807. Effect of Adoption of Town Budget

The adoption of the Town budget shall constitute the appropriation to each commission, board, office and department, or major subdivision thereof when so indicated in the budget, of the sum estimated in the budget to be expended by each unit respectively, in accordance with the Connecticut General Statutes.

SECTION 808. Additional Appropriation

The Council, on the recommendation of the Town Manager or the Board of Education, may appropriate, subject to the limitations imposed in Section 408 of this Charter, any unappropriated and unencumbered balance in the General Fund or any other budgetary funds, provided there shall be attached to the resolution making such appropriation the certificate of the Director of Finance that such balance actually exists free from encumbrances.

SECTION 809. Transfers of Appropriations

The Town Manager may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency, except the Board of Education. At the request of the Town Manager, but only within the last three months of the fiscal year, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency, except the Board of Education, to another, and provided that there shall be attached to the resolution making the transfer a certificate of the Director of Finance that such transfer is necessary, with the reasons therefor.

SECTION 810. Effect of Appropriation

No money shall be expended or obligated for any expenditure incurred by any commission, board, department or office of the Town except in accordance with an appropriation by the Council. No contract, work order, purchase order or other authorization to spend money by any commission, board, department or office, except the Board of Education, shall be valid until the Director of Finance certifies in writing that there is an unexpended and unencumbered balance of an appropriation and applicable thereto sufficient to meet the estimated cost thereof. The Director of Finance, after such certification, shall immediately encumber the appropriation in question with the estimated cost. The Board of Education shall set up its own system of budgetary control and certification of the sufficiency of unexpended and unencumbered balance of an appropriation. The Board of Education shall provide the Council on a monthly basis with a summary of all expenditures and unencumbered funds.

SECTION 811. Lapse of Appropriation

The unencumbered balance of all general fund appropriations shall lapse at the end of the fiscal year for which they were made, unless otherwise provided for by Council resolution, and any such balance shall be credited to the general fund except capital appropriations which will not lapse until completion of the project or termination by resolution of the Council.

SECTION 812. Borrowing to Meet Emergency Appropriations

In the absence of unappropriated funds to meet emergency appropriations under the provisions of Chapter IV, Section 407, of this Charter, the Council may by resolution authorize the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

SECTION 813. Borrowing in Anticipation of Taxes

The Council may by resolution authorize the borrowing of money in anticipation of the collection of taxes for any fiscal year by the issuance of negotiable notes of the Town.

SECTION 814. Notes Redeemable Prior to Maturity

No notes shall be made payable upon demand. Any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SECTION 815. Purchasing

All supplies, materials and equipment required by all departments, offices, boards, commissions and agencies of the Town, hereinafter referred to in this chapter as buying units, shall be purchased by the purchasing agent, who, until the Council shall otherwise determine by ordinance, shall be the Town Manager. The Board of Education may purchase any necessary educational supplies, materials and equipment not common to other departments on its own. All purchases shall be made on requisition describing the kind and quantity of goods or services required, provided that it shall be the duty of the purchasing agent at the beginning of each fiscal year to request requisitions and of all buying units to prepare and deliver to the purchasing agent such requisitions covering their normal requirements for the year so that wholesale purchases may be made on behalf of the Town. No requisition shall be honored unless it bears the certificate provided for in Section 810.

SECTION 816. Purchasing Procedure

Purchases shall be made under such rules and regulations as may be established by ordinance, provided if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of four thousand dollars (\$4,000.00) or more, the Council shall invite sealed bids or proposals, giving ten (10) days public notice thereof by at least one publication in a newspaper having a circulation in the Town, and shall let the purchase or contract to the best qualified bidder thereon in the opinion of the awarding body and which is in the best interest of the Town of Rocky Hill, or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly. No transaction essentially a unit shall be divided for the purpose of evading the provisions of this section. Records of all bids, formal and informal, and of the successful bidder shall be kept in the office of the purchasing agent where they shall be open to public inspection for a period of one year.

SECTION 817. Contracts for Public Works

Contracts for the construction of streets, sewers, town and school buildings and all other public works, including garbage, rubbish collection and disposal, with any private contractor shall be made in accordance with relevant provisions of the Connecticut General Statutes and under such rules and regulations as may be established by the Council or the Board of Education, whichever has jurisdiction. However, on any such contract involving the expenditure of ten thousand dollars (\$10,000.00) or more, sealed bids or proposals shall be invited and ten (10) days public notice given thereof by publication in a newspaper having a circulation

in the Town, and by posting on the Town bulletin board, unless the Council or the Board of Education, whichever has jurisdiction, shall determine for reasons which it shall expressly state, that sealed bids are against the best interest of the Town. The purchase or contract shall be let to the best qualified bidder thereon in the opinion of the awarding body and which is in the best interest of the Town of Rocky Hill, and all bids and proposals shall be opened publicly and shall be kept for a period of one year thereafter in the office of the purchasing agent or the Board of Education, where they shall be available for public inspection.

SECTION 818. Payment of Claims

No payroll, bill or other claim against the Town, except those of the Board of Education, shall be paid until the same has been audited for correctness and legality by the Director of Finance, and all payments shall be made by check drawn on the Town of Rocky Hill bank account signed by the Director of Finance and countersigned by the Town Treasurer, as provided in Chapter VII, Section 702 of this Charter. All payrolls, bills or other claims against the Board of Education shall be audited as such Board may provide, and payments shall be made by check, signed by an agent designated by the Board of Education and countersigned by the Town Treasurer, as provided in Chapter VII, Section 702. The Director of Finance and the Treasurer, on approval of the Council and the Board of Education, shall each designate a deputy, or deputy agent covered by the bond of his principal, who may sign or countersign certificates, payrolls, bills, claims and checks.

SECTION 819. Fees Collected by Town Officers and Employees

All fees and monies collected by officers and employees of the Town in their official capacity, except those collected on behalf of the State, witness fees payable to police officers and fees payable to constables and justices of peace, shall be paid to the Town treasury.

SECTION 820. Official Bonds

The Town Manager, Town Clerk, Director of Finance, Treasurer, Tax Collector, Building Inspector and persons authorized to sign and countersign Town checks and such other officers and employees as may be determined by the Council shall, before entering on their respective duties, execute to the Town, in the form prescribed by the Council and approved by the Town Attorney and file with the Town Clerk, a surety bond in a penal sum to be fixed by the Council, conditioned upon the honest and faithful performance of such official duties. The Council, if it deems to be in the best interest of the Town, may prescribe a name schedule bond, schedule position bond or blanket bond, or may designate which commissions, boards, departments, offices and agencies shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

SECTION 821. Penalties for Violation of the Provisions of this Charter

Any person or persons who make or cause to be made any payment from Town monies in violation of the provisions of this Charter, or who receive such payment shall be jointly and severally liable to the Town for the full amount of such payment. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any person or employee of the Town who knowingly and intentionally violates any of the provisions of this Charter may be subject to removal.

SECTION 822. Annual Audit

The Council shall cause an audit of the Town accounts, including those of the Board of Education, to be made once a year, or more often if deemed necessary by the Town auditor, as provided for in Chapter VI, Section 611. The report of such audit shall be a public record and available for public inspection.

CHAPTER IX. PERSONNEL

SECTION 901. Merit System.

Officers and employees in the classified service of the Town, as described in Section 902 below, shall be appointed, promoted and removed solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The Council shall by ordinance establish and maintain a classified service system, including a grievance procedure, for all Town employees, except the following: elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officers appointed by the Council; professional employees of the Board of Education; persons employed in professional capacity to make or conduct a temporary or special inquiry, study or investigation; and persons employed for a temporary period not exceeding three (3) months, and boards and commissions appointed by the Town Manager.

SECTION 902. Classified Service

The classified service shall include appointees to all positions now or hereafter created except those noted in Section 901. It shall be the duty of the personnel director to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointments to such positions. These statements shall comprise the classification plan of the Town, which shall become effective upon approval by resolution of the Council and which may be amended, upon recommendation of the personnel director, by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon recommendation of the personnel director. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The personnel director shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the Town. Such rules and any amendments thereto become effective upon being filed by the personnel director with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

SECTION 903. Personnel Director

The Town Manager, or, when the Council shall so determine, a person qualified in personnel administration appointed by the Town Manager, in accordance with this chapter, shall be the

personnel director of the Town. He shall be responsible for administering the personnel affairs of the Town and for making recommendations respecting personnel matters to the Council and the Town Manager.

SECTION 904. Prohibitions

No Town employee or applicant for employment by the Town shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his race, religion, political affiliations, national origin, sex, marital status, or any other reasons unconnected with the performance of the duties of the position.

SECTION 905. Retirement

The Council may provide by ordinance a system of retirement allowances for the Town's regular, full time, paid employees and for contributions by employees and the Town to a fund from which such allowances shall be paid. The Town may: enter into contract with any company or institution authorized to do business in this State for the purpose of insuring the whole or any part of its retirement plan; elect to participate in the Connecticut Municipal Employees' Retirement Funds; elect to participate in the old age and survivors insurance system under Title II of the Social Security Act, in accordance with provisions of Part II of Chapter 113 of the 1958 Revision, as amended, of the General Statutes of the State of Connecticut; or elect any combination thereof. The Council may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the General Statutes, Revision of 1958, as amended.

SECTION 906. Status of Present Employees

All persons holding positions or offices on the effective date of this Charter, which are not abolished by the provisions of this Charter, shall retain such positions or offices pending action by the Council or the appropriate appointing authority charged by this Charter with the power of appointment and removal, and shall not be removed except as provided for in this Charter. All persons holding positions in what shall be the classified service of the Town on the effective date of this Charter shall retain such position without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Charter.

SECTION 907. Conflict of Interest

Any elected or appointed Town official, or any Town employee, who has a financial interest in any matter to be acted upon or coming before his board, commission or office, shall make full record disclosure in writing of that interest, which shall be incorporated in the minutes of the particular board, commission or office, and a full copy of such minutes shall be filed in the office of the Town Clerk, and he shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, express or implied, of any person or corporation participating in such matter or decision shall be an additional ground of appeal, which will nullify the action of such board, commission or office upon appeal to the appropriate court under the Statutes applicable to appeals from such boards, commissions or offices.

CHAPTER X. BOARD OF EDUCATION

SECTION 1001. Board of Education

The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the Connecticut General Statutes upon boards of education in the several towns, except as otherwise provided by this Charter. The Board may be empowered by Charter with such other duties and powers which are not inconsistent with the Connecticut General Statutes.

SECTION 1101. Amendment of this Charter

This Charter may be amended in the manner prescribed by the Connecticut General Statutes.

SECTION 1102. Constitutionality

In case any portion of this Charter shall at any time be found to be unconstitutional, such findings shall not affect the remainder thereof, but as to such remainder this Charter shall remain in full force and effect until amended or repealed.

SECTION 1103. Definitions

The term "elector" as used in this Charter shall mean any person qualified under Section 9-1 (e) of the Connecticut General Statutes. The term "voter" as used in this Charter shall mean any natural person qualified to vote under Section 7-7 of the Connecticut General Statutes.

SECTION 1104. Usage

When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular.

SECTION 1105. Existing Laws and Ordinances

All general laws in their application to the Town and all ordinances and by-laws of the Town shall continue in full force and effect except as they are inconsistent with the provisions of this Charter.

SECTION 1106. Transition

All members of the Council, as well as those members of Boards and Commissions holding office as of the date of the adoption of this Charter, shall continue to hold such office, notwithstanding the expiration of their previously authorized term, until their reappointment or replacement pursuant to the provisions of this Charter, or until their reelections to the same positions for a new term.

Approved July 20, 1989
Effective December 7, 1989

CHARTER REVISION COMMISSION

Louis LaPorto, Chairman
James Rice, Vice Chairman
Margaret Decker
Donald Watson

Patricia Shea Lovell
Jacquelyn Wyman
Anthony Crivellone